

MINUTES

CASE NUMBER: CR 04-00051DAE

CASE NAME: USA v. (02)James G. Magalei

ATTYS FOR PLA: Tom Brady

ATTYS FOR DEFT: (02)Samuel P. King, Jr.

USPO: Mona Godinet

JUDGE: David Alan Ezra

REPORTER: Lisa Groulx

DATE: 3/10/2008

TIME: 1:30pm-1:35pm(m/d)
1:35pm-2:00pm(sent)

COURT ACTION: EP: Sentencing to Count 1 of the Indictment as to Defendant (02)James G. Magalei. Government's Motion for Downward Departure.

Defendant (02)James G. Magalei present in custody.

Government's Motion for Downward Departure-GRANTED.

Presentence Report adopted. Sentencing recommendations heard. Allocution by Defendant (02)James G. Magalei.

SENTENCE:

Imprisonment: TIME SERVED

Supervised Release: 3 YEARS

CONDITIONS:

1. Defendant shall abide by the standard conditions of supervision.
2. Defendant shall not commit any federal, state, or local crimes.
3. Defendant shall not possess illegal controlled substances.
4. Defendant shall cooperate in the collection of DNA as directed by the probation officer.

5. Defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter, but no more than 8 valid drug tests per month during the term of supervision, unless there is a positive drug test, in which event the maximum shall increase up to one valid drug test per day.
6. Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
7. Defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. Defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
8. Defendant shall execute all financial disclosure forms and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
9. Defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Special Assessment: \$100.00. No fine.

Defendant advised of his right to appeal.

Government's Oral Motion to Dismiss Count 2 as to this Defendant Only - GRANTED.

Defendant remanded to the custody of U.S. Marshals.

Submitted by: Theresa Lam, Courtroom Manager